

REMARKS

Claims 1-5, 7-10, 12-25, and 35-40 have been rejected. Claims 1, 18, 21 and 38 have been amended. Claims 6, 11, 20 and 26-34 have been cancelled. Claims 50-61 have been added.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2, 4, 8, 10, 13, 18-20, 24, 25, 36-38, 40, 41 and 46-49 stand rejected under 35 U.S.C. §103(a) as being obvious over Watanabe et al. (U.S. Publication No. 2004/0156294) in view of Ueda et al. (U.S. Publication No. 2001/0007545). Applicant respectfully traverses these rejections.

Under the new guidelines for establishing a case of obviousness cited in the Federal Register ((See 75 Fed. Reg. 57526, 57528) (Oct. 10, 2007)). It states that in order to support a rejection of obviousness, an office action must set forth why the claimed invention would have been obvious. The Office Action when setting forth its assertion of obviousness, states that Watanabe and Ueda in combination teach or suggest all the limitations of independent claims 1, 18, and 38. (See, for example, page 2 of the Office Action.) Applicant respectfully asserts that currently, not all of the elements of claims 1, 18, and 38 are found in Watanabe or Ueda either separately or in combination. Therefore, a case of obviousness has not been properly set forth.

For example, claim 1 recites a high density recording medium wherein, among other things, “each data unit consists of data of 4 rows including a sync field of 1 byte and an information field of 4 bytes, and parity of 4 rows including a sync field of 1 byte and a carrier field of 4 bytes.”

Similarly, claim 18 recites a method for recording or reproducing data including, among other things, “wherein the burst cutting area includes a plurality of data units, the disc

information being included in at least one of the data units, wherein the identifying step identifies the disc information by processing at least one of the data units and further wherein each data unit consists of data of 4 rows including a sync field of 1 byte and an information field of 4 bytes, and parity of 4 rows including a sync field of 1 byte and a carrier field of 4 bytes.”

Claim 38 recites a method for recording or reproducing data on or from a high density recording medium including, among other things, “controlling a data recording or reproducing operation, based on the disc information, wherein each data unit consists of data of 4 rows including a sync field of 1 byte and an information field of 4 bytes, and parity of 4 rows including a sync field of 1 byte and a carrier field of 4 bytes.”

Nowhere in the primary reference of Watanabe are sync fields of bytes, information fields of bytes and parity rows of bytes discussed at all, let alone as part of the combination and methods set forth in claims 1, 18, and 38.

Ueda does not cure the insufficiencies of Watanabe. A review of the Ueda reference reveals that bytes are only discussed in the specification at paragraph [0040] of the Ueda reference. The reference describes a sector header area of 12 bytes, a user data area of 2048 bytes, and an error detection code of 4 bytes. Nowhere is there discussed or described a method or apparatus containing the specific claim language recited above with respect to claims 1, 18 and 38. Because claims 1, 18 and 38 have not been shown to be obvious in view of the cited reference of Watanabe and Ueda, Applicant respectfully requests the rejections of claim 1 and its dependent claims, claim 18 and its dependent claims, and claim 38 and its dependent claims be removed as being unpatentable over Watanabe in view of Ueda.

Claims 1, 15-18, 20, 22, 25, 36-39, 43, and 47-49 stand rejected under 35 U.S.C. §103(a) as being obvious over Ueda in view of Vining et al. (U.S. Patent No. 6,377,526). Applicant

respectfully traverses these rejections.

The Applicant respectfully asserts that a case of obviousness has not been made for claim 1 and its dependent claims, claim 18 and its dependent claims, and claim 38 and its dependent claims as being obvious over Ueda in view of Vining. Because, for example, as set forth above, Ueda does not teach or discuss the apparatus or methods recited above. The Vining reference does not cure the insufficiencies of Ueda, while it's true the some discussion of bytes is made in the Vining reference. See, for example, column 4, line 23 and column 5, lines 38-48, and also column 6, lines 9-18. These discussions are not relevant to, nor do they render obvious the apparatus and methods quoted above with respect to claims 1, 18, and 38.

Rejections of Dependent Claims

Claims 2, 13, 14, 23 and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueda, in view of Vining, and further in view of Haneji (U.S. Patent No. 5,124,962).

Claims 3 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueda, in view of Vining, and further in view of Miyasaka (U.S. Patent No. 4,972,399).

Claims 5 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueda, in view of Vining, and further in view of Ishida et al. (U.S. Patent No. 6,208,603).

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ueda, in view of Vining, and further in view of Dieleman et al. (U.S. Patent No. 5,341,356).

Claims 8-12, 19, 24, 35, 40-41 and 45-46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueda, in view of Vining, and further in view of the Applicant's admitted prior art ("AAPA").

Claim 42 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ueda, in view of Vining and the AAPA, and further in view of Ishida.

Claims 15-17, 22, 39 and 43 are rejected under 35 U.S.C. §103(a) as being obvious over Watanabe, in view of Ueda, and further in view of Vining.

Claims 14, 23 and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe in view of Ueda, and further in view of Haneji.

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe, in view of Ueda, and further in view of Miyasaka.

Claims 5 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe, in view of Ueda, and further in view of Ishida.

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe, in view of Ueda, and further in view of Dieleman.

Claims 9, 12, 35 and 45 are rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe, in view of Ueda, and further in view of the AAPA.

Claim 42 is rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe, in view of Ueda and the AAPA, and further in view of Ishida.

The claims mentioned above in this section titled "Rejection of Dependent Claims" all depend ultimately either from claims 1, 18 or 38 which have been shown to be patentable above. Because the claims from which they depend have been shown to be patentable, the dependant claims are also patentable at least by reason of their dependency. Therefore, Applicant respectfully requests that the rejections of these claims be removed.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-5, 7-10, 12-19, 21-25 and 35-61 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

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